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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 MICHAEL STEVE COX,
11 Plaintiff,
12 v.
13 DWIGHT NEVEN, et al.,
14 Defendants.

Case No. 2:11-CV-00103-KJD-RJJ

ORDER

16 Currently before the Court is Plaintiff's Motion for Temporary Restraining Order (#14) filed
17 April 14, 2011. Plaintiff, an inmate at Ely State Prison, seeks that the Court grant him injunctive
18 relief "to ensure that he receives proper/prescribed medical care". (#14 at 2.)

19 Plaintiff's Complaint avers *inter alia* that he suffered two "near fatal, paralyzing injuries"
20 while incarcerated, and has since, been prescribed ambulatory aids and medical care that are
21 currently being denied him. Specifically, Plaintiff avers that he needs medical treatment for his
22 "severe constipation, jaundice, crippling pains, psychotic distress, depression," and other emotional
23 and physical pain. (#11 at 3.) Additionally, Plaintiff alleges that he has been unconstitutionally
24 denied sufficient toilet tissue "to wipe his bowel movements", soaps "to prevent skin/staff
25 infections", and toothpaste "too (sic) reduce bad breath\tooth-gum decay\disease". (Id.)

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1 Additionally, Plaintiff alleges that he has been denied access to the grievance process, and assigned
2 to a “non-handicap\non-accommodative unit”. (Id.)

3 Upon review of Plaintiff’s Motion the Court finds that Plaintiff’s pleading fails to meet the
4 standard for the granting of temporary injunctive relief. Specifically, Plaintiff has failed to
5 demonstrate a likelihood of success on the merits, or to demonstrate that there are serious questions
6 going to the merits. Additionally, Plaintiff has failed to demonstrate the emergent circumstances
7 necessary to merit injunctive relief without a response from the Defendants. Plaintiff’s Complaint
8 was filed in state court on November 19, 2010, and his Motion for a Temporary Restraining Order
9 (averring the same basis for relief) was filed on April 14, 2011. Moreover, the Motion fails to
10 satisfactorily address the potential of irreparable injury and/or balance of hardships. Though Plaintiff
11 makes general allegations that his health may be permanently damaged and/or that he may
12 experience death should injunctive relief not be granted, he has failed to provide sufficient factual
13 allegations to support such conclusory statements.

14 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Temporary Restraining
15 Order (#14) is **DENIED**.

16 DATED this 19th day of April, 2011.

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20 Kent J. Dawson
21 United States District Judge
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